

### Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 2, 3, and 10 stand rejected under 35 U.S.C. §112, second paragraph.

Claims 1-7 stand rejected under 35 U.S.C. §101.

Claims 1-14 stand rejected under 35 U.S.C. §103(a) in view of U.S. Publication No. 2002/0038363 of *MacLean* ("MacLean") and U.S. Patent No. 6,728,689 of *Drissi et al.* ("Drissi").

New claims 15-20 have been added.

The examiner has rejected claims 2, 3, and 10 under 35 U.S.C. §112, second paragraph, as being indefinite. The examiner has stated that the term "relevant" is relevant and therefore vague and indefinite. In response, applicant has amended claims 2, 3, and 10 to remove the term "relevant."

The examiner has rejected claims 1-7 under 35 U.S.C. §101 as being directed to non-statutory subject matter. The examiner has stated that claims 1-7 do not present a claim having a technological basis. In response, applicant has amended claim 1 to recite a computer-based method for determining a demand estimate that provides an estimate of a likelihood that a consumer will purchase a product. It is submitted that a computer-based method for determining a demand estimate according to amended claims 1-7 provide a technological basis and are statutory under 35 U.S.C. §101.

It is also submitted that new claims 15-20 are statutory under 35 U.S.C. §101 because new claims 15-20 include gathering a set of auction data that pertains to a product from an auction web site using a web client. It is submitted that gathering a set of auction data from an auction web site using a web client as claimed in new claims 15-20 provides a technological basis that render new claims 15-20 statutory under 35 U.S.C. §101.

The examiner has rejected claims 1-14 under 35 U.S.C.

§103(a) as being obvious in view of *MacLean* and *Drissi*. Applicant respectfully submits, however, that amended claim 1 is not obvious in view of *MacLean* and *Drissi* because *MacLean* and *Drissi* do not teach or suggest determining a demand estimate that provides an estimate of a likelihood that a consumer will purchase a product as claimed in amended claim 1.

*MacLean* does not disclose or suggest determining a demand estimate as claimed in amended claim 1. Instead, *MacLean* discloses a system for documenting a transaction (*MacLean*, paragraph 006, lines 1-2) so that a party to the transaction may later prove the terms of the transaction (*MacLean*, paragraph 004). The information captured by the documenting system of *MacLean* does not include an estimate of a likelihood that a consumer will purchase a product as claimed in amended claim 1. Instead, the information captured by the documenting system of *MacLean* are the terms of actual transactions. (*MacLean*, paragraph 051, lines 16-21).

*Drissi* does not disclose or suggest determining an estimate of a likelihood that a consumer will purchase a product as claimed in amended claim 1. Instead, *Drissi* discloses a data classification system that labels unknown objects. (*Drissi*, col. 2, lines 66-67).

It is therefore respectfully submitted that the computer-based method of amended claim 1 that includes determining an estimate of a likelihood that a consumer will purchase a product is not obvious in view of the transaction documenting system of *MacLean* and the data classification system of *Drissi*.

Given that claims 2-7 depend from amended claim 1, it is submitted that claims 2-7 are not obvious in view of *MacLean* and *Drissi*.

Applicant also submits that amended claim 8 is not obvious in view of *MacLean* and *Drissi* because amended claim 8 is a system that includes limitations similar to the

limitations of amended claim 1 including determining an estimate of a likelihood that a consumer will purchase a product. Therefore, the remarks stated above with respect to amended claim 1 also apply to amended claim 8.

Given that claims 9-14 depend from amended claim 8, it is submitted that claims 9-14 are not obvious in view of *MacLean* and *Drissi*.

It is further submitted that new claim 15 is not obvious in view of *MacLean* and *Drissi* because new claim 15 is a method for generating a demand estimate that includes limitations similar to the limitations of amended claim 1 including determining an estimate of a likelihood that a consumer will purchase a product. Therefore, the remarks stated above with respect to amended claim 1 also apply to new claim 15.

Given that new claims 16-20 depend from new claim 15, it is submitted that new claims 16-20 are not obvious in view of *MacLean* and *Drissi*.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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